

REMARKS

Claims 1, 22, 80, 91, 102 and 103 have been amended.

Claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 80-94, 96, 97, and 99-103 are pending.

Applicants thank the Examiner for withdrawing the previous rejections under 35 U.S.C. § 102(b). See Office Action at p. 2.

CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. §102(b)

Chiusoli

The Examiner has rejected claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 80-90 and 102 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,355,168 to Chiusoli et al. (“Chiusoli”). See Office Action at p. 2. Claims 2-5, 7, 8, 12, 13, 16 and 17 depend from independent claim 1. Claims 25 and 26 depend from independent claim 22. Claims 81-90 depend from independent claim 80. Claim 102 is an independent claim.

The Examiner contends that “Chiusoli discloses … the compound 6-phenyl-3, 5-hexadienoic acid and its sodium salt” See Office Action at p. 2. In independent claims 1, 22, 80 and 102, when L is C₄ or C₅ and contains one triple bond or two double bonds and A is phenyl or substituted phenyl, Y¹ is not a bond or -CH₂- and Y² is -CH₂-. As such, the compounds described in Chiusoli are not within the scope of amended claims 1, 22, 80 and 102.

Accordingly, independent claims 1, 22, 80 and 102 and claims that depend therefrom are not anticipated by Chiusoli for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

Klessing

The Examiner has rejected claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 91-94, 96, 97, 99 and 103 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,965,283 to Klessing et al. (“Klessing”). See Office Action at p. 3. Claims 2-5, 7, 8, 12, 13, 16 and 17 depend from independent claim 1. Claims 25 and 26 depend from independent claim 22. Claims 92-94, 96, 97, 99 depend from independent claim 91. Claim 103 is an independent claim.

The Examiner contends that Klessing “discloses … the compound 3-methoxy-5-phenyl-2(E), 4(E)-pentadienoic acid and its solution in ethanol corresponding to a pharmaceutical composition.” See Office Action at p. 3. In independent claims 1, 22, 91 and 103, when L is C₄

or C₅ and contains one triple bond or two double bonds and A is phenyl or substituted phenyl, Y¹ is not a bond or -CH₂- and Y² is -CH₂-. As such, the compounds described in Klessing are not within the scope of amended claims 1, 22, 91 and 103.

Accordingly, independent claims 1, 22, 91 and 103 and claims that depend therefrom are not anticipated by Klessing for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

Horsham

The Examiner has rejected claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 80-94, 96, 97, 99-103 under 35 U.S.C. § 102(b) as being anticipated by Horsham et al. (*Journal of Agricultural and Food Chemistry*, Vol. 37(3), p. 781-786 (1989)) ("Horsham"). See Office Action at p. 3. Claims 2-5, 7, 8, 12, 13, 16 and 17 depend from independent claim 1. Claims 25 and 26 depend from independent claim 22. Claims 81-90 depend from independent claim 80. Claims 92-94, 96, 97, 99-101 depend from independent claim 91. Claims 102 and 103 are independent claims.

The Examiner contends that Horsham "discloses ... the compound 6-OH-2, 6-hydroxy-6-phenyl-2(E), 4(E)-hexadienoic acid. See Office Action at p. 3. In independent claims 1, 22, 80, 91, 102 and 103, when L is C₄ or C₅ and contains one triple bond or two double bonds and A is phenyl or substituted phenyl, Y¹ is not a bond or -CH₂- and Y² is -CH₂-". As such, the compounds described in Horsham are not within the scope of amended claims 1, 22, 80, 91, 102 and 103.

Accordingly, independent claims 1, 22, 80, 91, 102 and 103 and claims that depend therefrom are not anticipated by Horsham for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

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CONCLUSION

Applicants believe that the claims now pending are in condition for allowance. Should any fees be required by the present Amendment, the Director is hereby authorized to charge Deposit Account **19-4293**.

Respectfully submitted,

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